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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,574	01/22/2002	Vipin Samar	OR01-23701	7739

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EXAMINER

MARTIN, NICHOLAS A

ART UNIT PAPER NUMBER

2154

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,574

Applicant(s)

SAMAR, VIPIN

Examiner

Nicholas Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/20/03</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-21 are presented for examination.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

3. Applicants' arguments filed on 04/25/05 have been fully considered but they are not persuasive.
4. As per remarks, Applicant argued that (1) Glass does not teach or suggest reading biometric data from an identification credential presented by a user and comparing this biometric data locally with a current biometric sample.
5. As to point (1), Glass teaches reading biometric data from an identification credential presented by a user and comparing this biometric data locally with a current biometric sample (Abstract "...collecting and securely transmitting biometric data over a network...data and code are transmitted over a network to a server which authenticates that the data has not been altered by recomputing the code using its own knowledge of the secret key and transaction token need to generate the code... This biometric template is then compared to a previously defined biometric template to identify the user and give the user access..."; Paragraph [0010] "...the biometric authentication server be provided with a unique ID of the imaging system providing the image data... server has the ability to determine that it is indeed Bob in from of camera..."; [0063] "...the public

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key certificate of the sender (sent along with the data) for validation, certified by a third party certificate authority to provide authentication of the sender"; [0065]; [0079]

"...client prepares a data package containing the token, biometric data, signature, and the camera's public key certificate. The signature will serve as the means to determine if data integrity has been maintained during the exchange.").

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Glass, Randal W. (hereinafter Glass), US 2002/0056043.

8. As per claim 1, Glass teaches a method for providing identification authentication (Paragraph [0004]), comprising:

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receiving an identification credential from an individual, including a biometric data, wherein the biometric data is stored on the identification credential, and wherein the identification credential is digitally signed with a private key (Paragraphs [0004-0005], [0010], [0040], [0063], [0065] and [0079]);

receiving a biometric sample from the individual (Claims 9 & 10, page 9);

validating the digital signature using a corresponding public key (Paragraph [0040]);

determining if a difference between the digitally signed biometric data and the biometric sample from the individual is below a predetermined threshold (Paragraphs [0036-0037] and [0061]); and

providing the results of the determination to an interested party (Paragraphs [0037-0038]);

whereby the identity of the individual is authenticated with reference to the identification credential (Paragraph [0005]), without having to transmit information for the individual over a network (Paragraph 0050)).

9. As per claim 2, Glass teaches the method of claim 1, further comprising adjusting the predetermined threshold in accordance with instructions received from a user (Paragraphs [0035-0037]).

10. As per claim 3, Glass teaches the method of claim 1, wherein the identification credential includes at least one of a name, a unique ID, a citizenship, an issue date, an expiration date, an identifier for an issuing authority, the biometric data, and a digital photo (Paragraph [0010]).

11. As per claim 4, Glass teaches the method of claim 1, wherein the biometric sample includes one of, or a combination of, a fingerprint, a signature, an iris scan, a facial scan, a voice pattern, a height, a weight, or a palm scan (Paragraphs [0004-0005]).

12. As per claim 5, Glass teaches the method of claim 1, wherein the digitally signed biometric data is contained in a magnetic stripe, a bar code, a smart card, a chip-card, or a non-volatile memory, such as flash memory, located on or with the identification credential (Paragraph [0031]).

13. As per claim 6, Glass teaches the method of claim 1, wherein the digital signature is provided by a central certification authority (Paragraphs [0012], [0035] and [0048]).

14. As per claim 7, Glass teaches the method of claim 1, further comprising granting access to resources based on the determination if the difference between the digitally signed biometric data and the biometric data from the individual is below a predetermined threshold (Paragraphs [0036-0037], [0040], [0042] and [0061]).

15. Claims 8-14 do not teach or define any new limitations above claims 1-7 and therefore are rejected for similar reasons.

16. Claims 15-21 do not teach or define any new limitations above claims 1-7 and 8-14 and therefore are rejected for similar reasons.

Response to Amendment

17. Examiner acknowledges amendments to claims 1, 3-4, 8, 10-11, 15 and 17-18 for correction of informalities. Objection has been withdrawn.

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

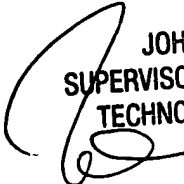
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Martin whose telephone number is (571) 272-3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3970.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Martin
July 11, 2005

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100